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19 ORACLE AMERICA, INC.

20
21
22
23 ORACLE AMERICA, INC.

24 Plaintiff,

25 v.

26 GOOGLE INC.

27 Defendant.

Case No. CV 10-03561 WHA

**PLAINTIFF'S NOTICE OF
DEPOSITION OF DEFENDANT
GOOGLE INC. PURSUANT TO
FED. R. CIV. P. 30(b)(6), TOPICS 4-9**

Dept.: Courtroom 9, 19th Floor
Judge: Honorable William H. Alsup

1 TO DEFENDANT GOOGLE, INC., AND TO ITS ATTORNEYS OF RECORDS:

2 PLEASE TAKE NOTICE that, pursuant to Federal Rules of Civil Procedure 30(b)(6),

3 Plaintiff Oracle America, Inc. ("Oracle") will take the deposition of Defendant Google Inc.

4 ("Google") on Topics 4-9. The deposition may be recorded by stenographic means, audiotaped,
 5 videotaped, and transcribed using real time interactive transcription such as LiveNote. The
 6 deposition will commence on a mutually agreeable date(s) and time and continue from day to day
 7 until completed. The deposition will take place at the offices of King & Spalding LLP, 333 Twin
 8 Dolphin Drive, Suite 400, Redwood Shores, California 94065, or a mutually agreed upon
 9 location.

10 **INSTRUCTIONS**

11 Pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, Google shall designate
 12 one or more of its officers, directors, partners, managing agents, or other persons who consent to
 13 testify on Google's behalf and who are the most knowledgeable with respect to the deposition
 14 topics set forth below. At least seven calendar days in advance of the date of deposition, Google
 15 is directed to provide to counsel for Oracle a written designation of the name(s) and position(s) of
 16 the person(s) designated to testify on the following topic.

17 **TOPICS**

18 4. Any non-infringing alternatives to the Android technologies alleged to infringe the
 19 patents-in-suit and copyrights-in-suit considered by or available to Google from the time Google
 20 began to develop Android up to and including the release of version 2.2 ("Froyo").

21 5. Any changes Google has made or intends to make to Android in response to
 22 Oracle's allegations in this lawsuit or in light of Oracle or Sun Microsystems' intellectual
 23 property rights.

24 6. Android's security features, including their relation to java.security APIs
 25 specification, documentation, and source code and Google's reasons for making java.security
 26 APIs specification, documentation, and source code available to application developers and
 27 Android device manufacturers.

1 7. Modifications made by third parties to the allegedly-infringing portions of Android
2 identified by Oracle's copyright and patent infringement contentions, including the author of, date
3 of, and basis for each such modification.

4 8. Google's business model and marketing strategy for Android.

5 9. Google's agreements and communications with OEMs and carriers relating to
6 Android, including but not limited to agreements and communications relating to modification of
7 Android source code.

8 Dated: June 21, 2011

9 MICHAEL A. JACOBS
10 MARC DAVID PETERS
11 DANIEL P. MUINO
12 MORRISON & FOERSTER LLP

13 By: /s/ Daniel P. Muino
14 Daniel P. Muino

15 *Attorneys for Plaintiff*
16 ORACLE AMERICA, INC.

CERTIFICATE OF SERVICE

2 I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address
3 is 755 Page Mill Road, Palo Alto, California 94304-1018. I am not a party to the within cause,
and I am over the age of eighteen years.

4 I further declare that on June 21, 2011, I served a copy of:

**PLAINTIFF'S NOTICE OF DEPOSITION OF DEFENDANT
GOOGLE INC. PURSUANT TO FED. R. CIV. P. 30(b)(6),
TOPICS 4-9**

BY ELECTRONIC SERVICE [Fed. Rule Civ. Proc. rule 5(b)] by electronically mailing a true and correct copy through Morrison & Foerster LLP's electronic mail system to the e-mail address(es) set forth below, or as stated on the attached service list per agreement in accordance with Federal Rules of Civil Procedure rule 5(b).

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48 I declare under penalty of perjury under the laws of the United States that the foregoing is
49 true and correct.

50 Executed at Palo Alto, California, this 21st day of June, 2011.

51

52 Cynthia D. Fix
53 (typed)

54

55 /s/ Cynthia D. Fix
56 (signature)